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OFFICE OF PETITIONS

PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Petitions, Commissioner of Patents, P.O. Box 2327, Arlington, VA 22202.

February 4, 2004
Date

Denise Sheridan
Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brian W. Huber et al.

Attorney Docket No.: 500125.02

Serial No. : 10/007,871

Group Art Unit : 2818

Filed : November 13, 2001

Examiner : Viet Q. Nguyen

Conf. No. : 8896

Date of Notice
of Allowance : January 6, 2004

Title : METHOD OF SCALING DIGITAL CIRCUITS AND CONTROLLING THE TIMING
RELATIONSHIP BETWEEN DIGITAL CIRCUITS

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Petitions
Commissioner of Patents
PO Box 2327
Arlington, VA. 22202

02/11/2004 AXELLEY 00000013 10007871

01 FC:1455 Sir: 200.00 DP

In accordance with 37 C.F.R. § 1.705(b) applicants hereby request reconsideration of the patent term adjustment for the above referenced application. The issue fee is due April 6, 2004. Enclosed herewith is a check in the amount of \$200, the fee set forth in 37 C.F.R. § 1.18(e). Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-1266. Below is a statement setting forth the facts pertinent to this request.

(1) The correct term adjustment under § 1.702 should be **281 days**, not 277 days as indicated in the paper mailed January 6, 2004, entitled Determination of Patent Term Adjustment under 35 U.S.C. §154(b).

(2) The application was filed on November 13, 2001. On December 28, 2001, applicants filed a Supplemental Preliminary Amendment with a Drawing Change Request, new

Formal Drawings and an Information Disclosure Statement. These items were received by the USPTO on January 22, 2002, as evidenced by the copy of the date-stamped returned postcard.

(3) On January 8, 2001, applicants received a Notice of Omitted Items dated December 31, 2001. The notice specifically states that any response due must be filed within two (2) months of the date of the notice. A copy of the notice is enclosed. The response due date was February 28, 2002. Applicants timely filed their response on February 14, 2002, and was timely received by the USPTO on February 27, 2002, as evidenced by the copy of the date-stamped returned postcard.

(4) On January 9, 2004, applicants received the Notice of Allowance (NOA) dated January 6, 2004. The NOA included the document entitled Determination of Patent Term Adjustment under 35 U.S.C. §154(b) with a Patent Term Adjustment (PTA) of 277 days. On February 2, 2004, my paralegal, Denise Sheridan, spoke with Kery Fries at the USPTO regarding the PTA. He stated that our response to the Notice of Omitted Items was received 4 days after the due date of March 31, 2002. Applicants dispute this. The notice clearly states the response is due in two (2) months from the mailing date of the notice which was December 31, 2001, making the response due on February 28, 2002. Our response was received February 27, 2002, as noted in number 3 above.

The first office action was due within 14 months (January 13, 2003) of the application filing date (November 13, 2001) but was not dated until October 21, 2003. This USPTO delay resulted in a 281 day PTA. Applicants do not dispute this. The USPTO reduced this PTA by 4 days giving applicants a PTA of 277 days. Applicants believe the USPTO incorrectly calculated the PTA based on their incorrect records showing our response as received 4 days late.

(5) Applicants would also like to bring to the attention of the USPTO the formal drawings submitted on December 28, 2001. The drawings were received by the USPTO on January 22, 2002, as evidenced by the copy of the returned date-stamped postcard. In the NOA dated January 6, 2004, the examiner acknowledges the drawings as filed with the application on November 13, 2001, as being accepted. Applicants respectfully request that the drawings submitted and received on January 22, 2002, be acknowledged by the examiner with a supplemental NOA. Applicants do not believe the drawings need to be resubmitted. If the drawings are required again then applicants believe that no PTA should be held against them for filing the drawings after allowance.

(6) The application is not subject to a terminal disclaimer.

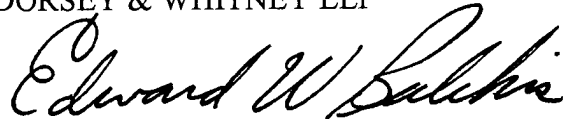
(7) There were no circumstances constituting a failure to engage in reasonable efforts to conclude prosecution or examination of the application as set forth in 37 C.F.R. § 1.704.

(8) In the paper mailed on January 6, 2004, the determination of term adjustment incorrectly states that a 277 day adjustment will be printed on the front page of the patent. As outlined above, the correct term of adjustment should be 281 days, which is the 281 days for the delay in the first office action.

Please correct the notice of patent term adjustment accordingly.

Respectfully submitted,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, reading "Edward W. Bulchis". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Edward W. Bulchis
Registration No. 26,847

EWB:dms

Enclosures:

Postcard
Check
Fee Transmittal Sheet (+ copy)
Copy of this Petition
Copy of Return Date Stamped Postcards

1420 Fifth Avenue, Suite 3400
Seattle, WA 98101
Direct Dial (206) 903-8785
Facsimile (206) 903-8820

FEE TRANSMITTAL SHEET (FOR FY 2004)

Complete if Known

Application No.	10/007,871
Filing Date	November 13, 2001
First Named Inventor	Brian W. Huber et al.
Group Art Unit	2818
Examiner	Viet Q. Nguyen
Atty. Docket Number	500125.02

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OFFICE OF PETITIONS

METHOD OF PAYMENT (Check One)

FEE CALCULATION (Continued)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP

2. ☒ Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1001	770	2001	385	<input type="checkbox"/> Utility Filing Fee
1002	340	2002	170	<input type="checkbox"/> Design Filing Fee
1003	530	2003	265	<input type="checkbox"/> Plant Filing Fee
1004	770	2004	385	<input type="checkbox"/> Reissue Filing Fee
1005	160	2005	80	<input type="checkbox"/> Provisional Filing Fee

Subtotal (1) \$0

2. EXTRA CLAIM FEES

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		=	x \$	= \$

Subtotal (2) \$0

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent Claim
1204	86	2204	43	Reissue independent claims over original patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - Late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For Filing a Request for <i>ex parte</i> Reexamination
1804	920	1804	920	Requesting publication of SIR prior to Examiner action
1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within 2 nd month
1253	950	2253	475	Extension for reply within 3 rd month
1254	1,480	2254	740	Extension for reply within 4 th month
1255	2,010	2255	1,005	Extension for reply within 5 th month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1814	110	2814	55	Terminal Disclaimer Fee
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility/Reissue issue fee
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of IDS
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1801	770	2801	385	Request for Continued Examination (RCE)

Other fee (specify)

Petition for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(d) \$200

Subtotal (3) \$200

Total Amount of Payment: \$200

Submitted by:

Name: Edward W. Bulchis

Reg. No.: 26,847

Telephone: (206) 903-8800

Signature:

Edward W. Bulchis

Date:

2/4/04

FEE TRANSMITTAL SHEET (FOR FY 2004)

Complete if Known

Application No.	10/007,871
Filing Date	November 13, 2001 RECEIVED
First Named Inventor	Brian W. Huber et al.
Group Art Unit	2818 FEB 10 2004
Examiner	Viet Q. Nguyen OFFICE OF PETITIONS
Atty. Docket Number	500125.02

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Subtotal (1)			\$0	

2. EXTRA CLAIM FEES

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Ind.	-	3	=	x \$ = \$
Multiple Dependent Claims			x \$ =	\$
Subtotal (2)			\$0	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
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FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - Late filing fee or oath	\$
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1801	770	2801	385	Request for Continued Examination (RCE)	\$
Other fee (specify) Petition for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(d)					\$200
Subtotal (3)					\$200
Total Amount of Payment:					\$200

Submitted by:

Name: Edward W. Bulchis

Reg. No.: 26 847

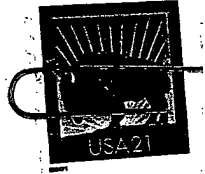
Telephone: (206) 903-8800

Signature: *Edward W. Bulchis*

Date: *2/4/04*

500125.02
KNE (EWB):dms

Date Stamp



Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

SENT: December 28, 2001
DUE: N/A

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Fee Transmittal Sheet (+ copy); Supplemental Preliminary Amendment; Request for Drawing Change (Figs. 6-10); Transmittal for Filing Formal Drawings (Figs. 1-10); Information Disclosure Statement; Form PTO-1449, in re: Brian W. Huber et al., USAN 10/007,871, filed November 13, 2001, for METHOD AND APPARATUS FOR PHASE-SPLITTING A CLOCK SIGNAL.

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KNE (EWB):dms

Date Stamp

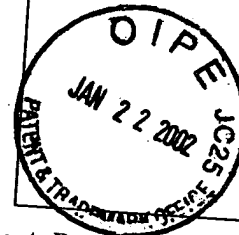
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/007,871	11/13/2001	Brian W. Huber	500125.02

CONFIRMATION NO. 8896

FORMALITIES LETTER



OC000000007242641

Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle, WA 98101

Date Mailed: 12/31/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 9 & 10 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



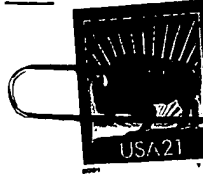
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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EWB:dms

Date Stamp



Commissioner for Patents
Washington, DC 20231

SENT: February 14, 2002
DUE: February 27, 2002

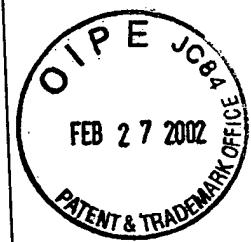
Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Response to Notice of Omitted Items; Copies of previously filed Supplemental Preliminary Amendment, Request for Drawing Change (Figs. 6-10), Transmittal for Filing Formal Drawings (Figs. 1-10); Copy of return receipt postcard; Copy of Notice of Omitted Items; in re: Brian W. Huber et al., USAN 10/007,871, filed November 13, 2001, for METHOD AND APPARATUS FOR PHASE-SPLITTING A CLOCK SIGNAL.

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